IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 21152 of 2004

Between:

A.P.State Legal Services Authority, High Court Buildings, Hyderabad, represented by Member-Secretary.

..... PETITIONER

AND

1.The Superintendent of Police, Prakasam District at Ongole.
2.The Superintendent, Central Prison, Rajahmundry.
3.The Director General of Police, Govt.of A.P.,Hyderabad.
4.The Secretary to the Govt. of AP, Home (Prisons) Department, Secretariat, Hyderabad.
5.The Secretary to the Govt. of AP., Home (Police) Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the letter dated 5.11.2004 sent by the petitioner herein, the High Court may be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus to call for records and remarks from the Respondents herein relating to non production of one Annareddy Madhu, an undertrial prisoner lodged in Central Prison, Rajahmundry, before the Court, who is in judicial custody in CC No.72 of 2003 on the file of the Judicial Magistrate of First Class, Parchur of Prakasam District from 22-02-2001, for the offence punishable Under Section 411 of IPC though the case is being adjourned from time to time for

examination of the accused Under Section 313 Cr.P.C. and even if the undertrial prisoner is convicted, his sentence would have been completed long ago and to pass appropriate Orders directing the concerned authorities to produce the said undertrial prisoner, who is in judicial custody before the Court whenever necessary for examination of the accused and to pass such other or further orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: THROUGH LETTER

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The letter addressed by the A.P. State Legal Services Authority pursuant to the letter forwarded to it by the Chairman-cum-District Judge, District Legal Services Authority, Prakasam District, Ongole, for taking up the matter as Public Interest Litigation along with the note, is registered as Taken-up Writ Petition. The note stated that CC No.72 of 2003 for the offence under Section 411 IPC had been registered against Annareddy Madhu, an under trial prisoner lodged in Central Prison, Rajahmundry. The case was being adjourned from time to time for recording statement under Section 313 Cr.P.C. of the accused, but the accused was not produced despite letters being issued in that regard.

The Superintendent, Central Prison, Hyderabad has filed counter affidavit, under whose custody the said accused was because of the remand order issued in some other case. Affidavit discloses that there were about 7 cases pending against the accused in various courts, and, the Court of IV Metropolitan Sessions Judge, Hyderabad has made an endorsement on the remand warrant to the effect that the accused, Annareddy Madhu, should not be sent to any other prison till the disposal of the case pending against him in his court. There has been subsequent development after 8th December 2004 when accused was produced before the V Additional District and Sessions Judge, Ongole (Fast Track Court). While the escort party was bringing the accused to Hyderabad in the night of 8/9-12-2004, the accused is stated to have escaped from the police custody near RTC Bus Stand, Macherla, Guntur District, of which, intimation was given to all courts and the

Director General and Inspector General of Prisons and Correctional Services, and, letter was also addressed to the Commandant, Special Armed Reserve Central Police Lines, Amberpet, Hyderabad to take necessary action against the police escort who is responsible for the escape of the remand prisoner.

In this view of the matter, no further orders are required to be passed in this Writ Petition, which stands closed.

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DEVINDER GUPTA, C.J.

20.12.2004.

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M.NARAYANA REDDY, J.

VR.

To

1.The Superintendent of Police, Prakasam District at Ongole.
2.The Superintendent, Central Prison, Rajahmundry.
3.The Director General of Police, Government of A.P.,Hyderabad.
4.The Secretary to the Government of AP, Home (Prisons) Department, Secretariat, Hyderabad.
5.The Secretary to the Government of AP., Home (Police) Department, Secretariat, Hyderabad.

6. Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad (OUT).

7. Two CD copies.

8. The Superintendent, Central Prison, Hyderabad.

9. The Member Secretary, A.P. State Legal Services Authority, High Court Buildings,

Hyderabad.

10. The IV Metropolitan Sessions Judge, Hyderabad.

11. The V Additional District & Sessions Judge, (FTC), Ongole, Prakasam District.

12. The Director General & Inspector of Prisons and Correctional Services, A.P., Hyderabad.

13. The Commandant, Special Armed Reserved Central Police Lines, Amberpet, Hyderabad.